

Club Constitution Checklist

This checklist is for use by Club Support Officers and clubs alike. The checklist includes provisions which are compulsory and some suggestions as to what other things it is helpful for a constitution to contain. The Category section in the table has the following meaning:

- (i) **Required in constitution.** This means that the club's constitution must contain or reflect the relevant requirement. This is required by the ECB for affiliation and/or to be eligible for Clubmark. These are also flagged with an asterix. Where the precise wording is required, the category is stated as "Required (precise text)".
- (ii) **Required in general.** This means that the club must fulfil the relevant requirement, either in its constitution or in practice, for Clubmark (although it is best practice to reflect such requirements in the constitution).
- (iii) **Good governance.** This category flags issues that are usually dealt with in a club's constitution. Clubs should note that these recommendations are designed to allow the club to operate in as fair and efficient a manner as possible and are based on the ECB's experience in dealing with clubs all over the country and/or are nationally recognised good standards of governance for sports clubs. Nevertheless, the ECB recognises that circumstances differ from club to club and while some good governance standards may be appropriate for one club, they may be inappropriate for another.

The checklist also contains a "why" column, which explains why certain provisions are required or recommended. Finally, we include a column for points to note, where we flag any additional things to bear in mind.

Explanation of different types of constitutions

Clubs can take lots of different legal forms. Different legal forms will have different constitutional documents, for example a club that is set up as a company limited by guarantee will have Articles of Association, whereas an unincorporated club can call its constitutional document whatever it likes (usually the term Rules or Constitution is used). As well as the legal form some clubs will choose to be registered with HMRC as a community amateur sports club (CASC) and others might be registered with the Charity Commission as a charity. Both registrations provide different tax reliefs for the club. If the club is a CASC or a charity then its constitution has to contain certain provisions to be eligible.

Different clubs will have different names for their committee – for example if the club is charitable they may be called 'trustees'; if the club is a company they may be called 'directors'; and other terms such as 'board' or 'management committee' are also common.



Multi Sports Clubs

Multi sports clubs can be set up in lots of different ways. Some are a group of separate clubs, each with their own constitution and management board. Where this is the case the cricket section's constitution should be checked for eligibility and it is best practice to ensure that the two constitutions do not conflict. Other multi sports club are legally one club with one management board – here you should look at the main constitution of the club. However, there may be some provisions that are cricket specific and these can be included in separate rules for the cricket section if that works better for the club, which again should be checked for any conflicts with the main constitution. The ECB has a model set of rules for a cricket section of a multi sports club, which may be helpful.

	Requirement/recommendation	Category	Why?	Points to note
Safeguarding				
1	The club's constitution must contain the following safeguarding commitment*: <i>"The Club shall adopt and implement the ECB Safe Hands – Cricket's Policy for Safeguarding Children and any future versions of the policy."</i>	Required in constitution (precise text)	Safeguarding is an important area of focus and a good policy will help clubs to comply with their statutory requirements and keep children and vulnerable adults safe.	
2.	ECB Clubmark requires that a club welfare officer is on the committee.* ¹	Required in constitution	As above.	If the Club's welfare officer is an employee and the Club is a CASC or a charity, it might not be possible for the welfare officer to be on the committee since the trustees are usually unpaid. In this case there should be a nominated trustee with

¹ As mentioned above the committee might have different names in different clubs eg directors or trustees. The key is to ensure that there is an obligation for the welfare office to sit on this Committee

				responsibility for oversight of safeguarding issues.
3.	<p>The constitution should state that the club welfare officer has the following responsibilities*:</p> <p><i>“The Committee shall appoint a Club Welfare Officer to ensure compliance with safeguarding legislation and the ECB Safe Hands policy. The Club Welfare Officer shall be a Committee member and report to relevant Committee meetings and the reports, together with any action taken, must be minuted”.</i></p>	Required in general	As above.	
Committee				
4.	<p>ECB Clubmark requires that*:</p> <p>At least three of the Committee must be unrelated to each other and not co-habiting.</p>	Required in general	It is important to include a mix of skills on the board and manage conflicts of interest.	Although the exact text isn't required it is likely to be easiest to use this wording.
5.	<p>ECB Clubmark requires that*:</p> <p>The Committee members shall consider skills needed and diversity on the Committee.</p>	Required in general	Research shows that committee's that are diverse and have appropriate skills make better decisions.	Although the exact text isn't required it is likely to be easiest to use this wording.
6.	<p>ECB Clubmark requires that* the Committee (and any management committee) must meet at least 4 times a year.</p>	Required in general	Regular meetings are important. Often clubs committees will meet more regularly, but this is a minimum.	
7.	<p>ECB Clubmark requires that* the constitution includes a provision for managing conflicts of interest and that</p>	Required in general	Managing conflicts of interest is an important governance principle and leads to better decision making.	There is wording that can be used in the model constitution – but some

	a committee member with a personal interest withdraws and does not take part in the decision.			clubs such as those that are charities may have more detailed wording.
8.	The constitution should also be clear about how committee members are appointed and removed.	Good Governance	Without this there can be questions about whether the committee members are properly appointed and have power to make decisions for the club.	There are various options, sometimes club members appoint, sometimes the committee can co-opt. Sometimes there is a mixture of the two. The key is to be clear.
9.	Consider terms in office for the Committee and whether to include a maximum term in office.	Good Governance	Refreshing the board helps maintain enthusiasm and bring in fresh ideas, helping with succession planning.	The Sport England governance code recommends a maximum of 9 years.
10.	Consider provisions about committee meetings, how they are called, quorum and voting provisions.	Good Governance	It is important to be clear about how the committee can take decisions. Some constitutions allow for telephone meetings and written resolutions, which is helpful flexibility.	
11.	All cheques and orders for payment of money from Club bank accounts must be signed by at least two people authorized by the Committee, including at least one Committee member.	Required in general	It is important to ensure that processes are in place to minimise the risk of mishandling of funds.	The model constitution includes a suggested process and wording.
12.	Consider provisions around delegation if the committee will delegate to staff or sub-committees.	Good Governance	Delegation is helpful in running the club and the constitution can include	Even if the club doesn't use delegation now, it is better

			helpful provisions about how delegation is implemented and documented.	to include this as it gives flexibility for the future.
Disciplinary Process				
13.	ECB Clubmark requires* the constitution to include an appropriate disciplinary process for club members. The exact process can be specific to the club but it must include a right of appeal against removal or refusal of membership and it must be a reasonable process. The appeal should be heard by different people to those that made the original decision.	Required in constitution	Clubmark clubs must be open to all, so removal or refusal of membership needs careful consideration. Clubs can also be legally challenged if they don't provide a right of appeal for removal of membership.	The model constitution includes a suggested process and wording.
Membership				
14.	ECB Clubmark requires* the Club to have an open and non-discriminatory membership policy Suggested wording <i>"Membership of the Club shall be open to anyone interested in the sport on application regardless of sex, age, disability, ethnicity, nationality, sexual orientation, religion or other beliefs, except as a necessary consequence of the requirements of cricket"</i>	Required in constitution	This is important to promote participation and club membership. Provisions for proposers and seconders or committee vote are not allowed and any restriction on membership must only be necessary as a consequence of the requirements of cricket.	The model constitution has suggested wording that clubs can use. However, this provision might be demonstrated by the absence of any provisions that contradict this (such as seconding or blackballing). Officers can be more relaxed about this requirement where the club is a CASC or Charity as this is a legal requirement for these clubs.



15.	<p>ECB Club mark requires* the club to have non-discriminatory pricing. The model constitution contains this wording:</p> <p>“The Club may have different classes of membership and subscription on a non-discriminatory and fair basis. The Club will have an equitable pricing policy and will keep subscriptions at levels that will not pose a significant obstacle to people participating.”</p>	Required in general	It is an important principle for clubs to have open membership and be non-discriminatory.	Although the exact text isn't required it is likely to be easiest to use this wording.
16.	The constitution will often include provisions about subscriptions, when they are payable and what happens if the members don't pay their subscription.	Good Governance		
17.	<p>The constitution will usually include provisions allowing for refusal or removal of membership by the Committee. These reasons are usually where someone's conduct or character is, or is likely to, bring the Club or cricket into disrepute.</p> <p>There may be safeguards on both refusal of entry and removal of membership, for example only refusing admission where the person has a chance to make written representations and only removing a member after having followed a disciplinary process (on which, see point 13 above).</p>	Good Governance	It is important to set out why, when and how a member can either be refused entry or removed from the Club. Otherwise, a Club can be left with a lack of clarity where a member (or proposed member) has acted irresponsibly, offensively, etc.	The model constitution has some suggested wording.
18.	The constitution will usually include provisions about members meetings, how they are called, the quorum and voting procedures	Good Governance		The model constitution has some suggested wording, but a club that is a company will need to have provisions



				that comply with company law instead. Any quorum should be achievable.
Purposes and powers				
19.	Constitutions will usually include the purpose of the club i.e. provision of amateur cricket.	Good Governance		This is compulsory for CASCs and charities and has to be in a specific form.
20.	Constitutions will usually include a list of powers that the club has to implement the objects.	Good Governance	This ensures that club is clear about the powers of the committee. These might include borrowing, taking out insurance, opening a bank account and a sweep up power (amongst other things).	
Winding Up and other provisions				
21.	ECB requires* the constitution to have a clear statement as to what happens to the assets of the club on winding up.	Required (except for charities)	It is essential that all Clubs stipulate in advance what should happen to the assets of the Club on winding up, but the exact formulation of the winding up clause in the constitution is left to each Club. The ECB model constitution has some alternatives, if helpful.	If the club is a charity it is very likely to have a winding up clause – but you don't need to worry if it hasn't as charity law means assets have to be given to another charity.

22.	It is advisable for a constitution to include provisions about how the constitution can be amended.	Good Governance		Companies won't usually include this provision as it is covered by company law.
23.	<p>ECB Clubmark requires that the club's constitution refers to the adoption and implementation of the ECBs diversity policy as follows:</p> <p><i>"The Club shall adopt and implement the ECB Anti Discrimination Code of Conduct and any future versions of this policy"</i></p>	Required (precise text)	Diversity and inclusion are key areas of focus for the ECB to ensure cricket participation is maximised.	

